

Contraventions – Parenting Orders

This factsheet explains contraventions of Parenting Orders:

- What is a contravention?
- What can you do if a contravention happens?
- How does the Court deal with contravention applications?
- What happens if I contravene?

This factsheet gives general legal information. It is not legal advice. *Last reviewed on 4 May 2026.*

Key word

- **Parties** – another name for the Applicant and the Respondent.

What is a ‘contravention?’

A contravention happens when someone who is a party to a parenting order **intentionally** does not follow a parenting order or does not make a **reasonable attempt** to follow it.

Some parenting orders may allow the people involved to make different arrangements if both agree, usually in writing. In these situations, it may not be a contravention. Parenting orders can also be changed if the parties agree and create a parenting plan.

A contravention only applies to a parenting order, not a parenting plan. A parenting plan is not legally enforceable.

You can talk to a lawyer for free at our Family Law Duty Service. FLDS is open 9am to 3pm Monday to Friday at the Canberra Registry of the Federal Circuit and Family Court of Australia.

When the other party contravenes the orders

If you believe that the other party is currently contravening the parenting order or has recently done so, there are a few things you can do:

- Talk to a lawyer

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- Go to Family Dispute Resolution (FDR) for mediation
- Apply to the Federal Circuit and Family Court of Australia (Family Court) to resolve the issue. This is called a “contravention application”.

Submitting an application to the Court is called “filing”. Before you do this, you should speak to a lawyer. This is important so you can get legal advice about whether the behaviour is actually a contravention and whether there is likely a reasonable excuse.

In most cases, you must try Family Dispute Resolution first, which is also called ‘mediation’. This process is used to try to solve the problem before going to court. The requirement is that you’ve made a genuine effort to try to resolve the problem, with only a few exceptions.

Another option is to write to the person and ask them to follow the orders. If the parenting orders are not working for both parties anymore, you may agree to change them so that both parties can follow it more easily.

If this is happening because both parties disagree on what the orders mean, you should speak to a lawyer. The orders may need to be amended to be made clearer.

What is involved in a Contravention Application?

A Contravention Application should focus on the facts. You must file the application form with an affidavit. You also need to attach a copy of the court order that you believe has been contravened.

The Affidavit must explain:

- Specifically when the contravention(s) occurred (including dates and times of each contravention)
- How they happened
- Proof that the other person is aware of the court orders.

The affidavit should also include evidence about what you have done to try to fix the issue such as the messages stating they are contravening and asking the other party to follow the orders.

You will also be asked about the genuine efforts you’ve made to try to resolve the problem through Family Dispute Resolution, unless an exception applies in your circumstances.

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For the Contravention Application itself, you will be asked about what orders you are asking the Family Court to make. For example:

- Are you asking the Family Court to change the existing orders?
- Are you asking the Family Court to punish the Respondent in some way?
- Are you asking the Family Court to make an order for 'make up' time?

It is important that you specify what you want the Family Court to do. If you are not sure about the options or what is appropriate in your circumstances, speak to a lawyer.

Please seek legal advice before filing an application to the Family Court. You can talk to a lawyer for free at our Family Law Duty Service. FLDS is open 9am to 3pm Monday to Friday at the Canberra Registry of the Federal Circuit and Family Court of Australia.

How does the Court deal with Contravention Applications?

The Family Court may do one of the following things:

1. Decide that there was no contravention.
2. Decide that there was a contravention but take *no* action.
3. Decide that there was a contravention and take *some* action.
4. Decide that a contravention is established, but that there was a *reasonable excuse* for contravention.

What sort of action will the Court take if a contravention is established?

If the Family Court decides that a contravention has been proven and it is suitable to take some action, the Court may make any of the following orders:

1. Amend the court orders if they are not clear enough, to avoid future breaches.
2. Make an order placing the contravening party under a good behaviour order.
3. Order that the contravening party pay a fine or enter into a bond.
4. Order for the contravening party to pay for some or all of the legal costs of the other parties
5. In the most serious contraventions, the Court may order that the contravening party be imprisoned.

The outcome depends on how serious the contravention is.

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What sort of action will the Court take if a contravention is not established?

If the Family Court decides the contravention is not proven, they can still decide to make orders. They may order:

1. Make up time
2. Varying or suspending the court orders
3. Requiring parents to attend post separating parenting programs

What happens if I contravene the orders?

The Family Court expects parties to make all reasonable efforts to comply with an order.

Family Law Orders may be contravened only with a **reasonable excuse**. A person may have a reasonable excuse if the contravention is necessary to protect the health or safety of a person, including the person who contravened the order or the child. For example, you may have a reasonable excuse if it is necessary to protect the child from a real risk of family violence, abuse, or neglect. The Family Court takes these situations very seriously. The risk to the child that you are alleging must be serious and real. If there is a reasonable excuse, the contravention should only happen for as long as the risk exists. This means that if the risk is addressed, it may not be reasonable any more to continue to contravene the orders.

If you intend to contravene parenting orders, or have contravened parenting orders, you should get legal advice straight away.

If you contravene parenting orders without a reasonable excuse, or your concerns in relation to the safety and wellbeing of the child cannot be substantiated, the Court may deal with your contravention as outlined earlier in this factsheet, under the heading ***‘What sort of action will the Court take if a contravention is established?’***

If you think you have a reasonable excuse to contravene a parenting order or have possibly contravened a parenting order, you can contact a lawyer for free through Legal Aid ACT’s Family Law Duty Service. Contact 1300 654 314 to make an appointment to talk to a lawyer.

Helpful contacts

Legal Aid ACT

- Phone: 1300 654 314 (Monday to Thursdays, 8.30am to 7pm, Fridays 8.30am to 5pm)
- Website: www.legalaidact.org.au

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Domestic Violence and Personal Protection Unit – Legal Aid ACT

- Phone: (02) 6173 5436
- Location: ACT Magistrates Court, 4 Knowles Place Canberra ACT
- Open: Monday to Friday, 9am to 3pm
- Email: dv@legalaidact.org.au
- www.legalaidact.org.au/what-we-do/dv-unit

Family Advocacy and Support Service – Legal Aid ACT

- Phone: (02) 6173 5436
- Email: FASS@legalaidact.org.au

Family Law Duty Service – Legal Aid ACT

- Phone: 1300 654 314
- Email: FASS@legalaidact.org.au
- Location: Nigel Bowen Commonwealth Law Courts, Corner of University Avenue & Childers Street Canberra ACT

Family Relationships Advice Line

- Phone: 1800 050 321
- www.familyrelationships.gov.au/talk-someone/advice-line

Domestic Violence Crisis Service (24/7)

- Phone: (02) 6280 0900
- www.dvcs.org.au

Other useful factsheets by Legal Aid ACT

- *Family Law Recovery Orders*
- *Having a grandchild in your care*
- *Changing the name of a child*
- *DNA testing & parentage*
- *Parenting Order Contraventions*
- *Family Dispute Resolution*

These factsheets are on our website: www.legalaidact.org.au/what-we-do/information-education

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Other Useful Links

- [Children: Compliance and enforcement | Federal Circuit and Family Court of Australia](#)
- [Application – contravention | Federal Circuit and Family Court of Australia](#)
- [Family Law Practice Direction: National Contravention List | Federal Circuit and Family Court of Australia](#)

The Law

Family Law Act 1975 (Cth)

[Family Law Act 1975 - Federal Register of Legislation](#)